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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/963,513 | 09/27/2001 | Gerhard Grolig | | 1227 |

7590 09/24/2004

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Washington, DC 20006

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| EXAMINER |
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BECKER, DREW E

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| ART UNIT | PAPER NUMBER |
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1761

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,513

Applicant(s)

GROLIG ET AL.

Examiner

Drew E Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. The request filed on July 1, 2004 for an RCE based on parent Application No. 09/963,513 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 8-10, 13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 406261673A in view of Crevasse [Pat. No. 5,215,495]. JP 406261673A teaches a casing comprising an inner cavity, two ends with one end turned-in (Figure 3), an outer surface with a coating of glycerin (Figure 2), turning it inside-out and placing it on a stuffer when filling it with food (paragraph 0010), the turned-in part extending the full length (Figure 3), and an absence of soaking. JP 406261673A does not recite a closure, a fill ring, an outer package, and fiber-reinforced cellulose. Crevasse teaches a casing comprising a closure (Figure 5, #26), fill rings (Figure 5, #32 & 40), an outer package (Figure 5, #42), and fiber-reinforced cellulose (column 3, line 59). It would have been obvious to one of ordinary skill in the art to incorporate the features of Crevasse into the invention of JP 406261673A since both are directed to sausage casings, since closures were the conventional means of closing

casings, since the fill-rings and package of Crevasse protected the casing from damage, since JP 406261673A simply does not state what type of material was used for the casing, and since fiber-reinforced cellulose was commonly used for casings as shown by Crevasse (column 3, line 59).

4. Claims 11-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 406261673A, in view of Crevasse, as applied above, and further in view of Kubo et al [Pat. No. 4,428,402].

JP 406261673A and Crevasse teach the above mentioned components. JP 406261673A and Crevasse do not recite a casing of synthetic polymers such as polyamides or polyolefins. Kubo et al teach a casing comprising nylon (column 4, line 15). It would have been obvious to one of ordinary skill in the art to incorporate the nylon of Kubo et al into the invention of JP 406261673A, in view of Crevasse, since all are directed to casings, since JP 406261673A simply does not state what type of material was used for the casing, and since nylon was commonly used for casings as shown by Kubo et al.

5. Claims 3-6 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 406261673A, in view of Crevasse, as applied above, and further in view of EP 340776A1

JP 406261673A and Crevasse teach the above mentioned components. JP 406261673A and Crevasse do not recite liquid smoke, caramel, or a protein binder. EP 340776A1 teach a casing comprising liquid smoke (page 5, line 50), caramel (page 13, line 15), and zein (page 14, line 32). It would have been obvious to one of ordinary skill

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in the art to incorporate the features of EP 340776A1 into the invention of JP 406261673A, in view of Crevasse, since all are directed to casings, since JP 406261673A already included a coating (Figure 2), and since the liquid smoke, caramel, and zein of EP 340776A1 provided an effective means for coloring and flavoring the casing.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 406261673A, in view of Crevasse, as applied above, and further in view of JP 51079748A.

JP 406261673A and Crevasse teach the above mentioned components. JP 406261673A and Crevasse do not teach polyvinyl pyrrolidone. JP 51079748A teaches a food casing comprising polyvinyl pyrrolidone (abstract). It would have been obvious to one of ordinary skill in the art to incorporate the polyvinyl pyrrolidone of JP 51079748A into the invention of JP 406261673A, in view of Crevasse, since all are directed to food casings, since JP 406261673A simply does not state what type of material was used for the casing, and since JP 51079748A teaches that a laminate including polyvinyl pyrrolidone had improved smoking properties and strength (abstract).

Response to Arguments

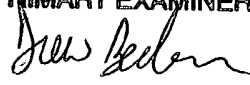
7. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Thur. 8am-5pm and every other Fri. 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DREW BECKER
PRIMARY EXAMINER


Drew E Becker
Primary Examiner
Art Unit 1761

9-21-04